

**Meeting Summary**  
**Tribal Court State Court Forum (TCSCF)**  
**Friday, March 19, 2021**  
Hosted by: State Court (via Zoom)

*The purpose of the Tribal Court State Court Forum is to enhance tribal court and state court relationships, provide an opportunity to address issues arising from the courts' concurrent jurisdictions, collaborate on development and delivery of judicial education and training, recommend revisions to Minnesota's procedural rules of court, and work on issues that cross jurisdictional boundaries.*

[Link to TCSCF website](#)

**Tribal Court Co-Chairs: Hon. Chris Anderson and Hon. Vanya Hogen**  
**State Court Co-Chairs: Hon. Lucinda Jesson and Hon. Sally Tarnowski**

### **Blessing and Welcome**

The meeting began with a blessing from Leech Lake Tribal Court Chief Judge, Paul Day, and was followed by a welcome from TCSCF State Court Co-Chair, Judge Sally Tarnowski. Introductions were made by forum members as well as from special guests who were in attendance.

### **Review and approve October 9, 2020 Meeting Summary**



10-9-20 TCSCF  
Meeting Summary

Approved without change.

### **Minnesota Sentencing Guidelines Commission Probation Revocation Reports – Disproportionality Regarding American Indians**

Nathaniel Reitz, Executive Director, Minnesota Sentencing Guidelines Commission, and Kelly Lynn Mitchell, Chair, Minnesota Sentencing Guidelines Commission provided an overview of the following reports, with special emphasis on the most recently issued September 2020 report:

- April 2018 Report [Offenders Sentenced 2001-2015 and Revoked to Prison through 2016](#);
- February 2020 Report [2018 Probation Revocations: Offenders Sentenced 2003-2017 and Revoked to Prison through 2018](#); and
- September 2020 Report [2019 Probation Revocations: Offenders Sentenced 2004-2018 and Revoked to Prison through 2019](#)

The presentation was followed by a discussion among Forum members about what they could do to address disproportionality issues.



2021MSGC-TribalCo  
urtStateCourtForum

## Looking Closely at Probation Revocation Data

State Court Judge Shari Schluchter of Beltrami County District Court and State Court Judge Korey Wahwassuck of Itasca County District Court shared information about what their counties are doing to look closely at race-based probation revocation data. As part of Judge Schluchter's update, she talked about the efforts of Corrections/Probation and the Bench in setting shorter probation periods combined with achievable, local conditions and how that has led to a downward trend in data showing disparity, but that there is still a lot of work to do in this area.

As part of her update from Itasca County, Judge Wahwassuck stressed the importance of getting creative with probation conditions and also the impact of working "upstream" locally to address transportation issues, internet issues, and housing stability issues, among other things. Itasca County has applied for CARES funding so that it can place kiosks in the community where people can go to connect with probation officers, do telehealth, etc.

## An Inside View of the 5<sup>th</sup> Judicial District

State Court Judge Patrick Rohland of Redwood County District Court created and shared a video tour of the Redwood County Courthouse, which is serving as the state court host for today's meeting. He answered questions and shared some interesting facts about the 5<sup>th</sup> Judicial District and its Redwood County Courthouse.

## Hazelden Betty Ford Children's Program Presentation

Jerry Moe, MA, National Director of Children's Programs at Hazelden Betty Ford, provided a program overview of services for seven through twelve years olds impacted by family addiction. He shared information about how those services have been made accessible to people, even during the pandemic, and how they can be utilized by tribal and state court judges who encounter families impacted by addiction.



HBFF Children's  
Program Presentation

## Update from CJI ICWA Subcommittee

Minnesota Supreme Court Justice, Anne McKeig, shared an update with the group about the efforts of the CJI ICWA Subcommittee, which held its first ICWA Courts Summit in 2020. The Executive Summary from the Minnesota 2020 ICWA Courts Summit is attached. The overarching Summit themes identified in the Executive Summary will fuel the work of the Subcommittee moving forward.



Executive Summary -  
Minnesota 2020 ICWA

## Resources Available to Support Family and Conciliation Court Cases

Jack De Walt, Past President of Minnesota's Chapter of the Association of Family and Conciliation Courts (AFCC); and Brandon Alkire, Tribal Liaison, Hennepin County Family Court shared information with the group about the efforts in Hennepin County Family Court to address domestic violence and the resources of Minnesota's Chapter of AFCC and how that can be a resource to tribal and state court judges.

## Informational Update from Minnesota Task Force on Missing and Murdered Indigenous Women (MMIW)

Nicole Matthews, MN Indian Women's Sexual Assault Coalition, Nicole MartinRogers, Wilder Foundation, and Minnesota Court of Appeals Judge, Jeffrey Bryan, provided an informational update from the MMIW about its work and recommendations. Their presentation was followed by a discussion of what TCSCF members and interested parties could do to provide assistance where appropriate.



MMIW Presentation

## Updates & Future Plans

- Tribal Court Co-Chair Vanya Hogen shared an update about the research proposal from Professor Statz that the TCSCF supported. In her update, she shared that Professor Statz was not awarded the National Science Foundation (NSF) CAREER Grant that she applied for last fall with our support. It was disappointing, but not all that surprising to her because these grants are extremely hard to get on an applicant's first attempt. The feedback she received was overwhelmingly positive and constructive. She passed along her sincere gratitude to the TCSCF for its support of her research proposal.
- Judge BJ Jones of Leech Lake Tribal Court of Appeals, Mille Lacs Band of Ojibwe Tribal Court, Prairie Island Indian Community Tribal Court of Appeals, and White Earth Nation Tribal Court thanked TCSCF members and interested parties who served as volunteers in the [National Native American Law Students Association \(NNALSA\) 2021 Moot Court Competition](#) February 26-27, 2021. This announcement was in follow up to the announcement he made during the October 9, 2020 meeting to recruit volunteers.
- Forum members and interested parties discussed and agreed to include the following topics on the next TCSCF meeting agenda:
  - Panel discussion regarding the Native American Children's Safety Act and what it means in terms of background checks and challenges with limited searches. Tribal Court Judge BJ Jones, State Court Judge Stephen Smith, and a representative from DHS to discuss DHS disqualifying factors and how those factors are viewed from the perspective of American Indian people and how tribes access the disqualification list that the MN Department of Human Services (DHS) keeps.
  - Family First Prevention Services Act (FFPSA): What Judges Should Know as we Near Full Implementation in September of 2021. CJI Staff Attorney, Becca Vanden Hanen, is leading the implementation effort for the state courts and has offered to come and present.

- TCSCF Co-Chairs invited anyone interested in hosting a future meeting to let them know.

## **Closing Remarks / Announcements**

### Trainings, Conferences, Other Outreach

- [CJI ICWA Trainings](#) (temporarily postponed due to COVID-19):
  - Minneapolis (date TBD)
  - St. Paul (date TBD)
  - Duluth (date TBD)
  - Bemidji (date TBD)

To request virtual, targeted CJI ICWA training in your area while in-person trainings are temporarily postponed due to COVID-19, please [contact the CJI](#).

- National Indian Child Welfare Association (NICWA) events:
  - [Positive Indian Parenting](#): April 19-22, 2021 (online event)
  - [Understanding ICWA](#): April 29-30, 2021 (online event)

### **Future Meeting Dates**

- **July 16, 2021** – Tribal Court Host TBD
- **October 8, 2021** – Tribal Court Host TBD
- **December 2021** - State Court Host: Annual Conference of Judges Breakfast Meeting (date TBD)

### **Meeting Adjourned.**